

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bishwajit Nag, et al.

Attorney Docket No.: BEX1P004

Application No.: 10/681,827

Examiner: Cordero Garcia, M.M.

Filed: October 7, 2003

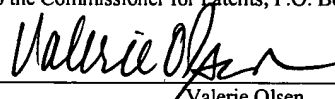
Group: 1654

Title: DIPEPTIDE PHENYL ETHERS

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on August 8, 2005 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: \_\_\_\_\_

  
Valerie Olsen

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321  
TO OBVIATE AN OBVIOUSNESS-TYPE  
DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, Bexel Pharmaceuticals, Inc., of the entire interest in the above-identified application by assignments recorded at Reel 014888/Frame 0577 on July 22, 2004 and at Reel 014439/Frame 0069 on March 17, 2004, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and §173 of commonly assigned prior United States Patent No. 6,794,401(hereafter "prior patent") as shown by assignment recorded at Reel 014101/Frame 0804 on November 4, 2003, as presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

Enclosed is our Check No. 10958 in the amount of \$130.00 to cover the disclaimer fee. If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 500388 (Order No. BEX1P004).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "Reginald J. Suyat", written over a horizontal line.

Reginald J. Suyat  
Registration No. 28,172

P.O. Box 70250  
Oakland, CA 94612-0250